

Judge claims

12-18-13

I am asking that the Court reconsider my motion for new counsel based on the following grounds:

1) My attorney did not investigate any defense prior to me signing the guilty plea. He did not contact any of the witnesses, nor did he attempt to retrieve the recording in which I was interrogated. And I made statements in response about my codefendant threatening me with a firearm, and about the attempted assaults, and had he, my attorney, investigated the information, I believe the proceedings would have turned out differently.

2) Also, my attorney failed to file a timely motion to have me re-assessed. He waited 9 months to file the motion.

* 3) My attorney's statements on 7/9/13. He stated in the hearing that "I don't know

"I can effectively continue to represent him." He also stated "In drafting such a pleading it would put me in a very awkward position to formulate the reasoning behind withdrawing the plea."

Under the Sixth Amendment I have the right to effective assistance of counsel.

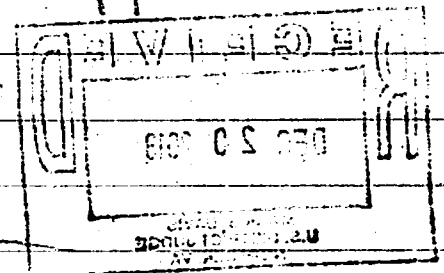
Mr. Diamantstein did not include in the motion to withdraw my guilty plea the evidence that should have been included.

Furthermore, He clearly stated on the record, on 7-9-13, that he doesn't know if he can continue to "effectively" represent me.

And he was allowed to continue to represent me, which then violated my Sixth Amendment.

I ask that I be appointed new counsel.

Michael Duck



Michael Tucker
W T B J
2402 Godwin Blvd.
Suffolk, VA 23434

U.T.
Honorable Jackie Davis
U.S. District Court House
600 General Street
Norfolk, VA 23510

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